

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

JANE DOES 1-9,

Plaintiffs,

vs.

COLLINS MURPHY, SHARON  
HAMMONDS, BRENDA F. WATKINS,  
LIMESTONE UNIVERSITY, MG  
FREESITES, LTD., d/b/a PORNHUB.COM,  
MG FREESITES II LTD., MINDGEEK  
S.A.R.L., MINDGEEK USA, INC., MG  
BILLING LTD., and HAMMY MEDIA LTD.  
d/b/a XHAMSTER.COM, TRAFFICSTARS  
LTD., WISEBITS LTD, XHAMSTER IP  
HOLDINGS LTD, WISEBITS IP LTD.,

Defendants.

Case No.: 7:20-cv-00947

**HAMMY MEDIA, LTD,  
TRAFFICSTARS, LTD, WISEBITS, LTD,  
XHAMSTER IP HOLDINGS, LTD, AND  
WISEBITS IP, LTD’S NOTICE OF  
ADDITIONAL SUPPLEMENTAL  
LEGAL AUTHORITY**

Defendants Hammy Media, Ltd. (“Hammy”) Trafficstars, Ltd. (“TL”), Wisebits, Ltd. (“WL”); xHamster IP Holdings, Ltd. (“XIH”); and Wisebits IP, Ltd. (“WIL”)(collectively, the “Hammy Defendants”) hereby provide this Notice of Additional Supplemental Legal Authority to bring to the Court’s attention three relevant decisions in support of their various Motions to Dismiss and Motions for Judgment on the Pleadings.

On May 30, 2023, a unanimous Supreme Court denied *certiorari* in ***Doe v. Reddit, Inc.***, **2023 U.S. LEXIS 2249 (May 30, 2023)**, upholding the Ninth Circuit’s decision (cited extensively in the Hammy Defendants’ Reply Briefs) in which the Ninth Circuit held that Reddit remained entitled to Section 230 immunity, despite Plaintiffs’ TVPRA/FOSTA arguments holding, *inter alia* that “the plain text of FOSTA and precedent interpreting a similar immunity exception establishes

that a website can only be held liable if its own conduct—not a third party's—violates 18 U.S.C. §1591.” *Does v. Reddit*, 51 F.4<sup>th</sup> 1137, 1141 (9<sup>th</sup> Cir. 2022).

On June 5, 2023, a federal district court in the Southern District of California issued its decision in *L.W. v. Snap Inc.*, 2023 U.S. Dist. LEXIS 97798 (S.D. Cal. June 5, 2023), allowing a 12(b)(6) motion to dismiss the Complaint brought by the parents of eleven and twelve year old girls, alleging that they were each sexually trafficked on defendant’s Snapchat app, despite Plaintiffs’ allegations that the Snapchat app specifically facilitated sex trafficking by its users; that defendants received financial benefit from the use of the app; and that Snap collected “troves of user data and information” that would have alerted Snap to illicit activity on its app. Despite these allegations, the Court concluded, at the motion to dismiss stage, that Plaintiffs’ claims were all precluded by Section 230 immunity.

Finally, on July 7, 2023, the US. Court of Appeals for the District of Columbia Circuit issued its decision in *Woodhull Freedom Found. v. United States*, 2023 U.S. App. LEXIS 17170 (D.C. Cir. July 7, 2023). In that case, Court found that the provisions of FOSTA/TVPPRA defining “participation in a venture” were not unconstitutionally vague, but only because the Court interpreted those provisions in a manner consistent with the Ninth Circuit’s holding in *Does v. Reddit*, *supra* (noting that, after the *Reddit* decision, “all courts to have decided the issue thus far are now in alignment”). Specifically, the *Woodhull* court found that Section 230 immunity would protect a defendant unless: (a) the higher *mens rea* requirements of Section 1591 of the TVPPRA were met and (b) the defendant had *actual* knowledge that it was aiding and abetting the trafficking of *specific individuals*, not trafficking in general.

Respectfully Submitted,

/s/ Hannah Rogers Metcalfe  
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July 31, 2023  
Greenville, South Carolina